SENATE, No. 2645

[Senate, November 1, 2010 - New draft reported on Senate, No. 2612 from the Senate Committee on Bonding, Capital Expenditures and State Assets.]



The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND TEN

AN ACT PROVIDING FOR THE DISPOSITION OF COMMONWEALTH OWNED LAND IN THE CITY OF BOSTON.

Be it enacted by the Senate and House of Representatives in General Court assembled,

And by the authority of the same, as follows:

- 1 **SECTION 1.** The commissioner of capital asset management and maintenance, subject to
- 2 sections 40E to 40J and the provisions of this act, , but notwithstanding 40H of said chapter 7, may sell
- 3 and convey by deed approximately 5,000 square feet of commonwealth-owned property, currently under
- 4 the care and control of Roxbury Community College, and located at the intersection of Centre Street and
- 5 Columbus Avenue in the city of Boston, to Jackson Square Partners, LLC, or its designee, for activities

consistent with the Jackson Square Redevelopment Area as more fully described in the Memorandum to
the Boston Redevelopment Authority regarding the Jackson Square Project, Site II, Phase 1 Building D&
F, Jackson Commons Notice of Project Change, Jamaica Plain and Roxbury, Board Approved, dated
April 13, 2010. The commissioner shall establish the exact boundaries of the parcel, based upon a survey
to be performed prior to such conveyance.

SECTION 2. The consideration for the conveyance authorized by this act shall be not less than the full and fair market value of the property for its highest and best use, as determined by the commissioner of capital asset management and maintenance based on an independent professional appraisal. The inspector general shall review and approve the appraisal and the review shall include a review of the methodology utilized for the appraisal. The inspector general shall complete his review of the appraisal within 30 days after receipt of the appraisal and a report by the commissioner. The inspector general shall submit to the commissioner a report on his review and approval of said appraisal. At least 15 days before the conveyance of the property, the commissioner shall submit a copy of the inspector general's report to the house and senate committees on ways and means and the joint committee on state administration and regulatory oversight.

SECTION 3. All monies received as a result of this conveyance shall be deposited in an expendable trust, to be established on behalf of Roxbury Community College, in order to further support the educational mission of the college.

SECTION 4. The grantee of the property shall be responsible for all costs and expenses of the transaction authorized by this act as determined by the commissioner of capital asset management and maintenance, including without limitation, the cost of any survey, appraisal or other expenses relating to the conveyance of the property, and shall be responsible for all costs, liabilities and expenses of any nature and kind in connection with the grantee's subsequent ownership of the property. The grantee shall take title to the property in its existing condition without any warranty by the commonwealth.

SECTION 5. The deed of conveyance from the commissioner of capital asset management and maintenance shall reserve to Roxbury Community College a permanent non-exclusive right, if and when the grantee constructs a vehicular driveway across said property, to use said vehicular driveway for access to the abutting property owned by or under the care and control of Roxbury Community College, provided however, that nothing in this act shall be construed to require the grantee to construct or alter said driveway in any manner to suit the particular needs of Roxbury Community College or to maintain said driveway to any particular standard, and, provided further, that Roxbury Community College, its agents, officers, employees, students, invitees and contractors, shall use said driveway at its and their sole risk.

SECTION 6. The deed or other instrument conveying the property described in section 1 to Jackson Square Partners, LLC, or its designee or its affiliate(s), shall, without limitation, provide that if for any reason the property is used by the grantee other than for the purposes described in section 1, then, following the giving of written notice and an opportunity to cure in accordance with a procedure to be specified in the deed conveying the property, and upon the recording of a notice by the commissioner with the Suffolk registry of deeds, title to the property shall revert to the commonwealth under the care and control of the division of capital asset management and maintenance and any further disposition shall be subject to sections 40E to 40J, inclusive, of chapter 7 of the General Laws and to the prior approval of the general court.